

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMIAN JACKSON,

Plaintiff,

v.

Case No. 09-10991

FEDERAL DEPOSIT INSURANCE CORP., et al.

Defendants.

/

PRELIMINARY INJUNCTION ORDER

On November 24, 2009, Defendant FDIC filed a "Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction" seeking to enjoin Plaintiff Damian Jackson from taking steps to sell or collect rent from tenants residing in any of the seven residential properties at issue in the instant litigation which include: 2446 Atkinson Street, Detroit, Michigan; 19334 Littlefield Street, Detroit, Michigan; 18935 Indiana Street, Detroit, Michigan; 5730 Cadieux Road, Detroit, Michigan; 19184 Pinehurst Street, Detroit, Michigan; 5767 Yorkshire Road, Detroit, Michigan; and 21901 Frazer Avenue, Southfield, Michigan. Plaintiff filed a Brief in Response to Defendant's Motion and a hearing was held on December 8, 2009 during which both parties were given the opportunity to present arguments, witness testimony, and exhibits in support of their respective positions. Based upon the record established and for other good cause shown, the court finds, pursuant to Fed. R. Civ. P. 65, that:

1. Defendant FDIC is likely to succeed on the merits and substance of their ultimate Motion for Summary Judgment based on its argument that Plaintiff failed to exhaust all available administrative remedies;
2. Defendant FDIC would be irreparably harmed if steps continue to be taken by Plaintiff to sell the residential properties at issue;
3. Plaintiff presently has no legal title or interest in the properties at issue; and
4. All rents should flow to the FDIC which appears to have appropriate title and interest in the seven properties at issue.

Accordingly, IT IS ORDERED that Defendant's "Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction" [Dkt. # 24] is GRANTED as to the Motion for Preliminary Injunction and DENIED as to the Motion for Temporary Restraining Order.

IT IS FURTHER ORDERED that pending a full trial on the merits or other final decision by this court, Plaintiff Damian Jackson is restrained from actively offering for sale, purporting to sell, purporting to be capable of selling, attempting in any way to move, to sell, to dispose of, or take any other action which suggests he has title to and is able to transfer any of the seven properties in question.

IT IS FURTHER ORDERED that all monies collected as rental proceeds from the tenants of the seven (7) properties in question, from the time that the FDIC obtained legal title, shall be accounted for and not otherwise disposed of by the parties.

IT IS FURTHER ORDERED that unless this court, upon final disposition of this case, finds that Plaintiff is the rightful owner of the properties in question, all rents

collected from tenants of the properties in question, since the FDIC acquired title in same, are the rightful property of the FDIC. Any such rents already collected by Plaintiff and held in any bank account are hereby frozen until final disposition of the instant case.

IT IS FURTHER ORDERED that any rents collected by the FDIC shall be accounted for by the FDIC and, in the event that Plaintiff is ultimately determined, in the instant matter, to be the rightful owner of the seven properties in question, the FDIC shall reimburse Plaintiff in full for all rents collected, plus interest.

s/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: December 18, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 18, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk

(313) 234-5522